

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

<b>UNITED STATES OF AMERICA,</b>	<b>)</b>	
	<b>)</b>	<b>8:05CR176</b>
<b>Plaintiff,</b>	<b>)</b>	
	<b>)</b>	
<b>vs.</b>	<b>)</b>	<b>ORDER</b>
	<b>)</b>	
<b>JACKIE KENDRICK,</b>	<b>)</b>	
<b>KAREN GREEN and</b>	<b>)</b>	
<b>LARRY SMITH,</b>	<b>)</b>	
	<b>)</b>	
<b>Defendants.</b>	<b>)</b>	

This matter is before the court on the motions for an extension of time by defendant Larry Smith (Smith) (Filing No. 29). Smith seeks an extension of time to June 28, 2005, in which to file pretrial motions pursuant to paragraph 3 of the progression order (Filing No. 19). Defense counsel represents to the court that counsel for the government has no objection to the extension. Smith has submitted an affidavit in accordance with paragraph 9 of the progression order whereby Smith consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act (Filing No. 26). Upon consideration, the motion will be granted.

**IT IS ORDERED:**

Defendant Smith's motion for an extension of time (Filing No. 29) is granted. Defendant Smith is given until **on or before June 28, 2005**, in which to file pretrial motions pursuant to the progression order (Filing No. 19). The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **June 8, 2005 and June 28, 2005**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 8th day of June, 2005.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge